

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES R. O'BRYAN, JR.,)	
)	
Plaintiff,)	8:06CV446
)	
v.)	
)	
MICHAEL J. ASTRUE, Commissioner)	ORDER
of Social Security,)	
)	
Defendant.)	
_____)	

Pursuant to the Memorandum and Order entered on September 27, 2007, the court entered judgment in favor of the plaintiff and against the defendant. Filing Nos. 22 and 23. The court remanded this case to the Commissioner with instructions to award benefits. Thereafter, the plaintiff applied for attorney fees on December 26, 2007. Filing Nos. 24 and 25. The defendant filed no response to this motion.

Plaintiff asks for \$3,762.80 in fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), made payable to Gerald M. Stilmock, attorney for the plaintiff. The court has reviewed the summary of the fee application; the declaration of Thomas Krause, attorney for the plaintiff, indicating how he calculated the plaintiff's fee; the itemization of hours expended by Thomas Krause from June 21, 2006, through December 26, 2007; and the consumer price index. Filing No. 25. I find the request both in hours spent and the hourly fee requested to be fair and reasonable. Accordingly, I find the motion for attorney fees under the Equal Justice Act, 28 U.S.C. § 2412 should be granted in the amount of \$3,762.80.

THEREFORE, IT IS ORDERED that plaintiff's motion for attorney fees, Filing No. 24, is granted in the amount of \$3,762.80, made payable to Gerald M. Stilmock.

DATED this 22nd day of February, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge